Lester L. Levy *(Admitted Pro Hac Vice)*
Michele F. Raphael *(Admitted Pro Hac Vice)*
WOLF POPPER LLP
845 Third Avenue
New York NY 10022
Telephone: 212.759.4600
Facsimile: 212.486.2093
e-mail: llevy@wolfpopper.com
e-mail: mraphael@wolfpopper.com

William M. Audet (SBN 117456)
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, CA 94105-1938
Telephone: 415.568.2555
Facsimile: 415.568.2556
e-mail: waudet@audetlaw.com

Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	CASE NO: C05-03649 JW **DECLARATION OF MICHELE F. RAPHAEL IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO CIV. L.R. 79–5(d) TO FILE UNDER SEAL PORTIONS OF AMENDED DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.** Civ. L.R. 79-5(d) Courtroom: 8 Judge: Hon. James W. Ware

Dockets.Justia.com

I, **MICHELE F. RAPHAEL**, declare as follow:

1. I am a member of Wolf Popper LLP, counsel for Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern (collectively, "Plaintiffs") in this action against Google, Inc ("Google"). I have personal knowledge of the facts stated herein. I submit this declaration in support of Plaintiffs' administrative motion pursuant to Civ. L. R. 79-5(d) to file under seal, portions of Plaintiffs' Amended Supplemental Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment and portions of the Amended Supplemental Declaration of Michele F. Raphael dated May 3, 2007 ("Plaintiffs' Amended Supplemental Filings") because they incorporate, refer to, and/or cite documents which Defendant Google, Inc., has designated confidential pursuant to the parties' stipulated protective order filed on March 2, 2007 entered on May 15, 2007.

2. On May 7, 2007, Plaintiffs filed Plaintiffs' Supplemental Memorandum in Support of Plaintiffs Motion for Summary Judgment together with the Supplemental Declaratiof Michele F. Raphael dated May 3, 2007, each of which reference, incorporate or otherwise cite material designated as "Confidential" by Defendant filed under seal.

3. By letter dated May 14, 2007, Defendant advised Plaintiff of its limited objections to the redactions in Plaintiffs' Supplemental Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment and the Supplemental Declaration of Michele F. Raphael dated May 3, 2007. (A copy of defendant's letter is not annexed hereto because it cites the material Defendant claims is confidential.)

4. Also, on May 14, 2007, Defendant reiterated its limited objections in the Declaration of M. Christopher Jhang in Response to Plaintiffs Administrative Motion Pursuant to Civ. L.R. 79-5 (D) to File Under Seal Portions of Documents.

5. Given the limited nature of Defendant's objections and irrespective of Plaintiffs' (dis)agreement therewith, Plaintiffs have amended their redactions in their original supplemental filings in complete accordance with defendant's comments. Specifically in Plaintiffs' Amended

Supplemental Memorandum filing, Plaintiffs have (i) redacted page 1, lines 14-17, (ii) redacted page 5, lines 22-23, and (iii) removed the redaction on page 8, line 23 through page 9 line 3; and in the Amended Supplemental Raphael Declaration, Plaintiffs have redacted Exhibit B (Wilburn Transcript), page 51, lines 1-4 and page 69, lines 8-25.

6. Plaintiffs' acquiescence to Defendant's request shall not be deemed an admission on the part of Plaintiffs that such information is confidential.

7. Concurrent with this submission, Plaintiffs are lodging with the Clerk of the Court two highlighted copies of (i) Plaintiffs' Amended Supplemental Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment and (ii) the Amended Supplemental Declaration of Michele F. Raphael dated May 3, 2007, which identify by yellow highlighting those portions which annex, cite, and/or refer to material designated by Defendant as confidential. One copy is intended for review by this Court. Plaintiffs are also lodging with the Clerk of the Court a redacted version a each amended document to place in the public record in the event this Court orders that the highlighted portions be filed under seal.

Dated: May 21, 2007

/s/
Michele F. Raphael